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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,073	07/06/2000	Mike Katsanevas		5054
7590	06/12/2003			
Marcus G Theodore 466 South 500 East Salt Lake City, UT 84102			EXAMINER	
			LEE, DIANE I	
ART UNIT	PAPER NUMBER			
	2876			

DATE MAILED: 06/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/611,073	KATSANEVAS, MIKE 
	Examiner	Art Unit
	D. I. Lee	2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 01 April 2003.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 9-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 9-16 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 06 July 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

### **DETAILED ACTION**

1. Receipt is acknowledged of the Amendment filed 01 April 2003. Claims 1 and 8 have been canceled; and claims 9-16 have been newly added. Currently, claims 9-16 are pending in this application.

#### ***Drawings***

2. Acknowledgement is made of the Applicant's request in reference to the requirement of formal drawings to be deferred until completion of the action on the merits. However, until applicant meets the requirement to satisfy the conditions for accepting color drawings, the examiner maintains the following statement in the Office Action.

3. Color photographs and color drawings are acceptable only for examination purposes unless a petition filed under 37 CFR 1.84(a)(2) is granted permitting their use as acceptable drawings. In the event that applicant wishes to use the drawings currently on file as acceptable drawings, a petition must be filed for acceptance of the color photographs or color drawings as acceptable drawings. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and an amendment to the first paragraph of the brief description of the drawings section of the specification which states:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the U.S. Patent and Trademark Office upon request and payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings have been satisfied.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eppich [US 4,084,214].

Re claims 9 and 12: Eppich teaches a bank card terminal cover 244 pervious to liquid, grease, and dust for a data terminal 10 comprising a keypad 26; a card reader 148 having a card reading slot (34, 36); and a connector 96 for providing a power source to the data terminal. The data terminal dust cover 244, which is molded of polycarbonate resin that is a transparent and a rigid, crush resistant and liquid, dust, and grease impervious top, with four surrounding sidewalls defining an open bottom leading into an interior chamber sized to fit about and surround the exposed portions of the bank card terminal when the terminal is placed on a non-integral separate support surface (*i.e., the support surface being part of the base unit 12, which is a separate vertical non-integral surface from the card and providing support surface for the cover when it is place on the base unit 12*) independent of the bank card terminal and cover (see col. 5, lines 31+; figure 4 and 16). Wherein the data terminals cover 244 comprises top 246 with sides 248 defining an open bottom leading into an interior chamber sized to fit about and cover the data terminal when placed upon the non-integral separate support surface (recess 100 for the over unit 18 and end support surfaces 138, 140 for the dust over 244, see col. 2, lines 24+; col. 4, lines 11+ and 46+; col. 5, lines 31-42; col. 6, lines 31+; and col. 14, line 60-col. 16, line 28; and figures 1, 4, 6-7, 16-22). Eppich further shows in figures 1, 4, 6-11, and 18-19 that the side wall extending sufficiently about the terminal to make contact with and be extended by vertical non-integral support surface to elevate the cover above and around the bank terminal to protect the bank card terminal, whereby the cover forms a protective barrier about the bank card terminal with the cover and the sidewalls of the cover in contact with and supported by the non-integral vertical support surface to direct the force from blows and accidental contact with the cover onto the non-integral vertical support surface, while protecting the exposed portions of the bank card terminal from contact with liquids, dust, grease, and any falling objects.

Eppich is silent with respect to the cover "defining at least one opening through which a terminal cord may be inserted and connected to the bank card terminal".

It is well known in a variety of protective covers for electronic components to provide openings therethrough whereby power cords and other connectors may extend through. These arrangements typically are employed to eliminate the possibility of damage to the cords as well as allow proper connection to power sources and appropriate peripheral devices.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the dust cover to place at least one opening through which a data terminal power cord may be inserted and connected to the data terminal 96. Accordingly, the above modification to the teachings of Eppich would have been an obvious matter of design variation, failing to provide any unexpected results, well within the ordinary skill in the art, and therefore an obvious expedient.

Re claim 10: Although Eppich discloses the dust cover which includes the means (i.e., hinges) 250 for mounting/attaching the dust cover to the data terminal (e.g., from the back side 248 of the dust cover (see fig. 16) and wherein the hinge allows the dust cover to pivotally open in a first mode to provide access to the data terminal keypad and card reading slot, and close in a second mode about the data terminal to prevent dust, moisture, etc. and other matters from interfering with the data terminal keypad and card reading slot, he fails to specifically teach that the top is operably mounted from the top of the dust cover.

Since applicant has not disclosed that the top cover operably mounted from the top of the dust cover solves any stated problem other than to open the terminal (first mode) to provide an access the terminal key pad and close the terminal (second mode) to prevent dust, grime, liquids, and etc., it appears that the invention would perform equally well with the hinge being mounted from the back side of the cover (see figure 16), it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to alternatively mount the dust cover from the top and/or the back side of the dust

cover, so long as the hinge and cover is properly configured to allow the dust cover to properly pivot to an open position and in close position, as taught by Eppich.

Re claim 11: As to the dust cover including a handle on the top exterior to aid in removal of the top to access the data terminal keypad and card reading slot, a handle on the exterior surface of cover to open or close it is notoriously old and well known. Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ a conventional handle or the like to the teachings of Eppich in order to provide the means (i.e., means for grasping the handle or the like) to the operator for easy access to the keypad and the card reading slot of the data terminal. Therefore, such modification would have been an obvious design expedient, well within the ordinary skill in the art for its practicality and for its versatility.

Re claims 13-15: Eppich shows in figures 1 and 16-22 that the bottom sized base unit 12 to support and fit around the bottom of a bank card terminal with the structure that operably associated with the side walls of the cover to form a container about the bank card terminal allow the cover to seal to the bottom in a first mode and to open to provide access to the bank card terminal in a second mode.

Eppich is silent with respect to the open bottom of the cover side walls having a shock absorbing seal affixed.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Eppich to attach a conventional and well-known rubber sealer or the like material to the open bottom of the cover side walls to absorb the shock and to prevent a damage to the internal components of the terminal when the in the cover is dropped inadvertently or accidentally. By providing such sealing would further prevent dust, liquid, grease, and etc. from penetrating into the terminal thereof. Therefore, such modification would have been an obvious expedient well within the ordinary skill in the art, for its practicality and for its versatility, as taught by Eppich.

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6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eppich in view of Eckel et al. [US 4,727,934-referred as Eckel]. The teachings of Eppich have been discussed above.

Although Eppich shows the mounting arranged of the bank card terminal (i.e., the bank card terminal placed on a plane surface or a non-integral support surface independent of the bank card terminal and cover), he does not show the other types of mounting of the bank card terminal (i.e., the bank card terminal mounted on a vertical non-integral support surface).

Eckel teaches the data collection terminal having a cover 2-4, 10-1, 12-1 and wherein the terminal having a desk top mounting as well as a wall mounting.

It would have been an obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the conventional wall mounting arrangement of a terminal in the mounting arrange of the bank card terminal of Eppich for the benefit of maximizing the work space and providing a convenience to the operator of the bank card terminal (i.e., positioning the terminal to be easily seen and operated by the operator).

#### *Response to Arguments*

7. Applicant's arguments filed 01 April 2003 have been fully considered but they are not persuasive.

8. In response to applicant's argument with respect to Eppich reference that the dust cover of Eppich does not shield the electronic device itself from the shock forces of objects dropped onto it and that the shock of objects dropped on the Eppich dust cover is directed upon the keyboard top, which receives the shocks and that no similar force diverting structure is found in Eppich (see page 5, lines 1+); the examiner respectfully disagrees. Due to the fact that the cover of Eppich having a closed top and extending sides defining an open bottom, which extends about and provides a barrier to protect bankcard terminals as well as prevent blows from damaging the electrical components of the bank card terminal. The cover of Eppich would definitely shield the electronic device from the shock forces of objects dropped onto it,

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other objects (e.g., such as coins, pins, pens, and etc.) dropped on the cover, and as well as direct liquids and dust away from the electronic device (see the discussion above).

9. In response to applicant's argument with respect to the canceled claim 2 that the Eppich figure 16 fails to suggest the embodiment of applicant's invention in the same manner (see page 5, lines 6+); the examiner respectfully disagrees. Since applicant has not disclosed that the top cover operably mounted from the top of the dust cover solves any stated problem other than to open the terminal (first mode) to provide an access the terminal key pad and close the terminal (second mode) to prevent dust, grime, liquids, and etc., it appears that the invention would perform equally well with the hinge being mounted from the back side of the cover (see figure 16), it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to alternatively mount the dust cover from the top and/or the back side of the dust cover, so long as the hinge and cover is properly configured to allow the dust cover to properly pivot to an open position and in close position, as taught by Eppich.

10. Applicant argues with respect to claim 11 that Eppich does not disclose applicant's embodiment of claim 11, i.e., contain a handle affixed to the over (see page 5, lines 11+). The dust cover including a handle on the top exterior to aid in removal of the top to access the data terminal keypad and card reading slot, and such handle on the exterior surface of cover to open or close it is notoriously old and well known. Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ a conventional handle or the like to the teachings of Eppich in order to provide the means (i.e., means for grasping the handle or the like) to the operator for easy access to the keypad and the card reading slot of the data terminal. Therefore, such modification would have been an obvious design expedient, well within the ordinary skill in the art for its practicality and for its versatility.

11. Applicant argues with respect to claim 12 that Eppich does not disclose applicant's embodiment of claim 12 (see page 5, lines 17+); the examiner respectfully disagrees. See the discussion regarding claims 9 and 12 above.

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12. Applicant argues with respect to claim 13 that Eppich does not suggest a shock absorbing seal affixed to the open bottom of the cover side walls (see page 5 lines 20+). Although Eppich is silent with respect to the open bottom of the cover side walls having a shock absorbing seal affixed, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Eppich to attach a conventional and well-known rubber sealer or the like material to the open bottom of the cover side walls to absorb the shock and to prevent a damage to the internal components of the terminal when the in the cover is dropped inadvertently or accidentally. By providing such sealing would further prevent dust, liquid, grease, and etc. from penetrating into the terminal thereof. Therefore, such modification would have been an obvious expedient well within the ordinary skill in the art, for its practicality and for its versatility, as taught by Eppich. Although the examiner recognize that Eppich does not explicitly teaches with respect to the open bottom of the cover side walls having a shock absorbing seal affixed, the fact that Eppich shows in figures 1 and 16-22 that the bottom sized base unit 12 to support and fit around the bottom of a bank card terminal with structure operably associated with the cover to seal thereto in a first mode and to open to provide access to the bank card terminal in a second mode, therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Eppich to attach a conventional and well-known rubber sealer or the like material to the open bottom of the cover side walls to absorb the shock and to prevent a damage to the internal components of the terminal when the in the cover is dropped inadvertently or accidentally. By providing such sealing would further prevent dust, liquid, grease, and etc. from penetrating into the terminal thereof. Therefore, such modification would have been an obvious expedient well within the ordinary skill in the art, for its practicality and for its versatility, as taught by Eppich.

13. In response to applicant's argument with respect to claims 14-15 that as Eppich discloses a dust cover integral to the container holding a device's electronic components, it does not suggest the non-integral barrier container embodiments of claims 14-15 (see page 5, lines 20+); the examiner respectfully

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disagrees. In figures 1 and 16-22 of Eppich shows that the bottom sized base unit 12 to support and fit around the bottom of a bank card terminal with the structure operably associated with the side walls of the cover to form a container about the bank card terminal allow the cover to seal to the bottom in a first mode and to open to provide access to the bank card terminal in a second mode.

14. In response to applicant's argument with respect to claim 16, that Eckel's component container may be mounted to a wall, it does not direct the shock from flows to the case away onto a non-integral vertical surface to prevent damage to the electrical components (see page 5, lines 19+). Eppich teaches that the data terminal dust cover 244 is comprises top 246 with sides 248 defining an open bottom leading into an interior chamber sized to fit about and cover the data terminal when placed upon the non-integral separate support surface and wherein *the support surface being part of the base unit 12, which is a separate vertical non-integral surface from the card and providing support surface for the cover when it is place on the base unit 12*. Thus, the cover of Eppich directs the shocks upon modular onto the non-integral support surface. Eckel reference was brought in the rejection to provide the teaching lack in Eppich reference, i.e., Eppich does not show the other types of mounting of the bankcard terminal (i.e., the bank card terminal mounted on a vertical non-integral support surface). Eckel teaches the data collection terminal having a cover 2-4, 10-1, 12-1 and wherein the terminal having a desk top mounting as well as a wall mounting. It would have been an obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the conventional wall mounting arrangement of a terminal in the mounting arrange of the bank card terminal of Eppich for the benefit of maximizing the work space and providing a convenience to the operator of the bank card terminal (i.e., positioning the terminal to be easily seen and operated by the operator).

***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lee whose telephone number is 703-306-3427. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

*Wiane I. Lee*  
D. I. Lee  
Primary Examiner  
Art Unit 2876

December 2, 2002